

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALVIN D. DAVISTON, JR.,

Plaintiff,

v.

DELAWARE COUNTY TAX CLAIM

BUREAU, *et al.*,

Defendants.

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CIVIL ACTION NO. 19-CV-5848

ORDER

AND NOW, this 18th day of December, 2019, upon consideration of Plaintiff Alvin D.

Daviston's Application to Proceed *In Forma Pauperis* (ECF No. 1), and Complaint (ECF No. 2)

it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. The Clerk shall **AMEND** the identification of Defendant "B/D Properties, LLC"

on the docket to read "BID Properties, LLC."

4. The "Civil Rights" claim against Defendant BID Properties, LLC is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons in the Court's Memorandum.

5. All other claims in the Complaint are **DISMISSED WITHOUT PREJUDICE** for the reasons in the Court's Memorandum.

6. Daviston may file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Daviston's claims against each defendant. The amended complaint shall be a

complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Daviston should be mindful of the Court's reasons for dismissing the claims in his initial Complaint as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. The Clerk of Court is **DIRECTED** to send Daviston a blank copy of this Court's current standard form to be used by a self-represented litigant filing a civil action bearing the above-captioned civil action number. Daviston may use this form to file his amended complaint if he chooses to do so.

8. If Daviston fails to file an amended complaint in accordance with this Order, his case may be dismissed without further notice for failure to prosecute.

BY THE COURT:



JUAN R. SANCHEZ, C.J.